

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7620 of 2015**

Bunty Pandey @ Ravi Prakash Pandey, S/o Shri A.N.Pandey, Aged about 48 years, R/o H. No. 07, Pt. Deendayal Kuram, Ward No. 28, Sector 11, Khursipar, Bhilai, District Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through : P.S. Mandir Hasoad, Raipur (C.G.)

---- Non-applicant

For Applicants:	Shri Maneesh Sharma, Advocate.
For Non-applicant:	Shri Dhiraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/01/2016**

Heard.

(1) The accused/applicant has moved this Second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.64/2015 registered at Police Station – Mandir Hasoad, Raipur for the offences punishable under Sections 420, 406, 467, 468, 471 & 120B of the Indian Penal Code.

(2) The applicants' first bail application was dismissed on merits by order of this Court dated 28.07.2015 passed in M.Cr.C. No. 3372 of 2015.

(3) Case of the prosecution, in brief, is that a tanker

containing 22,000 litres of furnace oil was dispatched on 14-3-2015 by M/s. Hindustan Petroleum Corporation Limited at Mandir Hasoud to M/s. Monnet Ispat Limited, Raigarh , but the said tanker did not reach there and on the report made by the Manager of said M/s. Monnet Ispat Limited it was found that the present applicant along with other co-accused persons have conspired to cheat the complainant by making adulteration to the said furnace oil, and thereby committed the aforesaid offences.

(4) Learned counsel appearing for the applicant would submit that the applicant is suffering from Osteochondroma (Bone Tumor) and, therefore, he wish to be treated to Gondiya City Hospital and he has also filed copy of Medical Certificate dated 8.1.2016 by the said Hospital and he wish to go for further treatment on the suggestion made by the Doctors of Gondiya City Hospital and, therefore, for entire treatment temporary bail be granted for three months. He also submits that the Doctors have examined the patient and case summary has also been filed by the Department of Orthopeadics, by which, it appears that petitioner is suffering from Lumber disc bulge(Prolaps)L4L5S1 with bone tumor (Rt thigh bone) Osteochondroma and he needs operation immediately.

(5) On the other hand, counsel for the State opposes the bail application.

(6) I have heard counsel for the parties.

(7) MRI – Right Knee Joint of applicant filed by the counsel for the State states as under:-

“Bony outgrowth noted in postero-medical aspect of

distal fourth of Left Femur near major blood vessels with cortex and medulla continued with main bone suggestive of Osteochondroma (Exostosis).”

(8) Thus, it is not in dispute that petitioner is suffering from Osteochondroma (Bone Tumor) and requires immediate surgery; since the applicant has consulted the Doctors of Gondiya City Hospital and wish to go on their advise and reports submitted by Panel of Doctors of Medical College, Raipur. Thus, Looking to the documents relating to medical problem being faced by the accused/applicant and the need for treatment to be taken by him by the expert Doctors, this Court thinks it proper to release him on temporary bail for a period of three months. Thus, considering the submissions made by the counsel for the applicant, this Court is inclined to consider his prayer.

(9) Accordingly, it is directed that on applicant's furnishing bail bond of ₹ 25,000/-, he shall be released on bail for a period of three months. It is made clear that immediately after completion of period of three months, he shall positively surrender before the trial Court on 2nd May, 2016 and also file papers relating to his treatment.

(10) Accordingly, the bail application is finally disposed of.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-